



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1008 be amended to read as follows:

- 1 Page 4, between lines 29 and 30, begin a new paragraph and insert:
2 "SECTION 7. IC 3-11-4-1, AS AMENDED BY P.L.66-2010,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2016]: Sec. 1. (a) A voter who is otherwise qualified to
5 vote in person is entitled to vote by absentee ballot: ~~Except~~
6 **(1) by mail;**
7 **(2) before an absentee voter board** as otherwise provided in this
8 article; ~~a voter voting by absentee ballot must vote~~
9 **(3) in the office of the circuit court clerk (or board of elections**
10 and registration in a county subject to IC 3-6-5.2); or
11 **(4) at a satellite office established under IC 3-11-10-26.3.**
12 (b) A county election board, by unanimous vote of its entire
13 membership, may authorize a person who is otherwise qualified to vote
14 in person to vote by absentee ballot if the board determines that the
15 person has been hospitalized or suffered an injury following the final
16 date and hour for applying for an absentee ballot that would prevent the
17 person from voting in person at the polls.
18 (c) The commission, by unanimous vote of its entire membership,
19 may authorize a person who is otherwise qualified to vote in person to
20 vote by absentee ballot if the commission determines that an
21 emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12.5 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 8. IC 3-11-4-2, AS AMENDED BY P.L.64-2014, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- ~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or IC 3-11-10-25.~~

- ~~(5)~~ (4) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot

1 application does not comply with subsection (d), the board shall deny
2 the application under section 17.5 of this chapter.

3 (f) A person who assists an individual in completing any
4 information described in subsection (d) on an absentee ballot
5 application shall state under the penalties for perjury the following
6 information on the application:

7 (1) The full name, residence and mailing address, and daytime
8 and evening telephone numbers (if any) of the person providing
9 the assistance.

10 (2) The date this assistance was provided.

11 (3) That the person providing the assistance has complied with
12 Indiana laws governing the submission of absentee ballot
13 applications.

14 (4) That the person has no knowledge or reason to believe that the
15 individual submitting the application:

16 (A) is ineligible to vote or to cast an absentee ballot; or

17 (B) did not properly complete and sign the application.

18 When providing assistance to an individual, the person must, in the
19 individual's presence and with the individual's consent, provide the
20 information listed in subsection (d) if the individual is unable to do so.

21 (g) This subsection does not apply to an employee of the United
22 States Postal Service or a bonded courier company acting in the
23 individual's capacity as an employee of the United States Postal Service
24 or a bonded courier company. A person who receives a completed
25 absentee ballot application from the individual who has applied for the
26 absentee ballot shall indicate on the application the date the person
27 received the application, and file the application with the appropriate
28 county election board not later than:

29 (1) noon ten (10) days after the person receives the application;
30 or

31 (2) the deadline set by Indiana law for filing the application with
32 the board;

33 whichever occurs first. The election division, a county election board,
34 or a board of elections and registration shall forward an absentee ballot
35 application to the county election board or board of elections and
36 registration of the county where the individual resides.

37 (h) This subsection does not apply to an employee of the United
38 States Postal Service or a bonded courier company acting in the
39 individual's capacity as an employee of the United States Postal Service
40 or a bonded courier company, or to the election division, a county
41 election board, or a board of elections and registration. A person filing
42 an absentee ballot application, other than the person's own absentee
43 ballot application, must sign an affidavit at the time of filing the
44 application. The affidavit must be in a form prescribed by the
45 commission. The form must include the following:

46 (1) A statement of the full name, residence and mailing address,

and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) Beginning January 1, 2015, the date (or dates) that the absentee ballot applications attached to the affidavit were received.

(4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(5) A statement that the person is executing the affidavit under the penalties of perjury.

(6) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 9. IC 3-11-4-18, AS AMENDED BY P.L.194-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail;~~ The county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be mailed:

(1) on the day of the receipt of the voter's application; or

(2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the

1 county voter registration office indicates under IC 3-7-33-5(f) that the
2 applicant is a registered voter.

3 (d) As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, an election
4 board shall establish a voter education program (specific to a paper
5 ballot or optical scan ballot card provided as an absentee ballot under
6 this chapter) to notify a voter of the effect of casting multiple votes for
7 a single office.

8 (e) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an
9 absentee ballot is mailed under this section, the mailing must include:

10 (1) information concerning the effect of casting multiple votes for
11 an office; and

12 (2) instructions on how to correct the ballot before the ballot is
13 cast and counted, including the issuance of replacement ballots.".

14 Page 5, between lines 32 and 33, begin a new paragraph and insert:

15 "SECTION 13. IC 3-11-10-24, AS AMENDED BY P.L.225-2011,
16 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2016]: Sec. 24. (a) Except as provided in subsection (b),
18 a voter who satisfies any of the following is entitled to vote by mail.

19 (1) The voter has a specific, reasonable expectation of being
20 absent from the county on election day during the entire twelve
21 (12) hours that the polls are open.

22 (2) The voter will be absent from the precinct of the voter's
23 residence on election day because of service as:

24 (A) a precinct election officer under IC 3-6-6;

25 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

26 (C) a challenger or pollbook holder under IC 3-6-7; or

27 (D) a person employed by an election board to administer the
28 election for which the absentee ballot is requested.

29 (3) The voter will be confined on election day to the voter's
30 residence; to a health care facility; or to a hospital because of an
31 illness or injury during the entire twelve (12) hours that the polls
32 are open.

33 (4) The voter is a voter with disabilities.

34 (5) The voter is an elderly voter.

35 (6) The voter is prevented from voting due to the voter's care of
36 an individual confined to a private residence because of illness or
37 injury during the entire twelve (12) hours that the polls are open.

38 (7) The voter is scheduled to work at the person's regular place of
39 employment during the entire twelve (12) hours that the polls are
40 open.

41 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

42 (9) The voter is prevented from voting due to observance of a
43 religious discipline or religious holiday during the entire twelve
44 (12) hours that the polls are open.

45 (10) The voter is an address confidentiality program participant
46 (as defined in IC 5-26.5-1-6).

~~(11) The voter is a member of the military or public safety officer.~~

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the

- 1 office of the circuit court clerk, the voter may not recast a ballot, except
- 2 as provided in section 1.5 of this chapter."
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1008 as printed February 13, 2015.)

Representative Forestal